

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAMES EARL EVANS,

Plaintiff,

-against-

ORANGE COUNTY DENTIAL DEPT.;
JON DOE (DENTAL DOCTOR),

Defendants.

1:22-CV-9768 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated January 11, 2023, the Court directed Plaintiff, who appears *pro se*, to show cause by declaration, within 30 days of the date of that order, why the Court should not dismiss the present action without prejudice as duplicative of Plaintiff's other pending *pro se* action in this court, *Evans v. Juste*, 7:22-CV-9767 (CS). On January 30, 2023, the Court received Plaintiff's declaration (ECF 6), which does not suggest any reason why the present action is not duplicative of *Evans*, 7:22-CV-9767 (CS); the declaration references the events alleged in *Evans*, 7:22-CV-9767 (CS). The Court therefore dismisses the present action without prejudice as duplicative of *Evans*, 7:22-CV-9767 (CS).

CONCLUSOIN

The Court dismisses the present action without prejudice as duplicative of *Evans v. Juste*, 7:22-CV-9767 (CS).

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Court directs the Clerk of Court to enter judgment in this action.

SO ORDERED.

Dated: February 27, 2023
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge